

TTAB

TRADEMARK

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

LIVE VENTURES, INC.
Petitioner,

Adv.

SAROJ INTERNATIONAL, INC.
Registrant.

Registration No: 3143997
Registration No: 3147241
Registration No: 3158549

#76632663
CANCELLATION NO: 92047661

RESPONSE

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, Virginia 22313-1451

CERTIFICATE OF MAILING

I hereby certify that this RESPONSE is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Assistant Commissioner for Trademarks, Trademark Trial and Appeals Board, P.O. Box 1451, Alexandria VA 22313-1451.

EB989293112US

June 18, 2008
(Mailing Date)

Gary L. Eastman, Esq.
(Registered Representative)

[Signature]
(Signature)

June 18, 2008
(Date of Signature)

Response to Motion for Discovery Sanctions



06-19-2008

RESPONSE

Procedural Background

Petitioner and Respondent have been engaged in a series of discovery disputes since this matter has begun. Petitioner has propounded untold volumes of discovery, and Respondent has complied with each of the discovery demands by providing timely responses to each.

Petitioner was not satisfied with the sufficiency of Respondent's responses to the first set of discovery, and moved the Board to compel discovery responses. The Board, following a thorough review of the matter, acknowledged the sufficiency of most of Respondent's initial responses, and issued an Order on February 21, 2008, which required Respondent to provide certain additional discovery responses. Respondent has complied with all conditions set forth in the February 21, 2008, Order, including submission of signatures for the interrogatory responses, supplemental discovery responses, and supplemental admission responses.

Petitioner's Failure to Respond to Discovery

Respondent served Petitioner on February 25, 2008, a Request for Production of Documents. This is reflected in my letter to Mr. Stahl, attorney for Petitioner, attached as Exhibit D to Petitioner's recent Motion for Sanctions. To date, no Responses have been submitted by Petitioner.

Respondent has received the Trademark Office Notification dated May 19, 2008 citing a Failure to Respond to the Board's February 21, 2008 Order regarding discovery matters.

Respondent has complied with all conditions set forth in the February 21, 2008, Order, including submission of signatures for the interrogatory responses, supplemental discovery responses, and supplemental admission responses. These were confirmed in my letter to Mr. Stahl, attorney for Petitioner, attached as Exhibit D to Petitioner's recent Motion for Sanctions. At that time, the undersigned requested that Respondent provide a mailing address in a non-residential area. According to Petitioner's attorney, he has not received some of the discovery documentation that we have sent, including quite interestingly, Respondent's Requests for Production. Respondent has even expressed a willingness to forward documents to Petitioner using Federal Express, if preferred over standard U.S. Mail.

Petitioner's Failure to Serve Motion for Sanctions

Contrary to the assertions made by Petitioner, and the affirmations made in Petitioner's Certificate of Service, Respondent was not served with Petitioner's Motion for Sanctions. That is why Respondent has not filed a Response to the Motion as noted by the Board. Were the Board to not have

sent the notice dated May 19, 2008, Respondent would have remained unaware of the pending Motion for Sanctions. It was only upon receipt of the Board's notice, and a thorough review of the TTABVUE database, that the allegations of Petitioner were discovered.

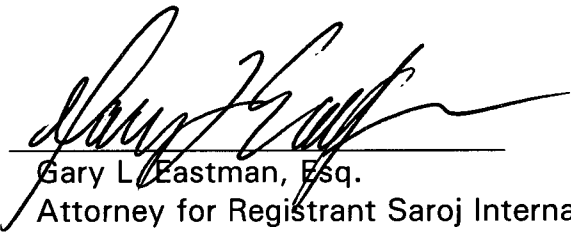
REQUEST

Petitioner's continuous attack of Respondent through oppressive and duplicative discovery requests, failure to serve documents to provide proper notice, and continuous motions for sanctions is intended solely to increase the costs of defending this Cancellation action. What has been perceived by the Board as a loss of interest in this matter by Respondent (Order of May 19, 2008, line 19) has actually been Petitioner's failure to provide notice to Respondent.

In light of the above, Respondent respectfully requests an additional sixty (60) day period in which to provide the Board with a Response to the Motion for Sanctions; and to provide its own motion for sanctions for Petitioner's failure to respond to Respondent's demand for documents, and continuing harassment of Respondent through oppressive discovery demands.

Dated: June 18, 2008

Respectfully submitted,

By: 

Gary L. Eastman, Esq.
Attorney for Registrant Saroj International, Inc.
Registration No. 41,005

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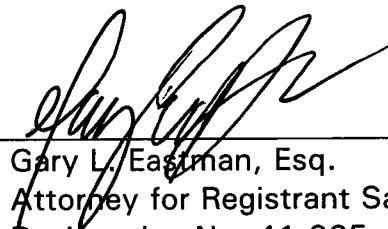
CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing RESPONSE has been served on PETITIONER LIVE VENTURES, INC. by mailing said copy on June 18, 2008, via First Class Mail, postage prepaid to: NORBERT STAHL, STAHL LAW FIRM 2
MEADOWS LANE, SAN CARLOS,
CALIFORNIA 94070.

Dated: June 18, 2008

Respectfully submitted,

By: _____



Gary L. Eastman, Esq.
Attorney for Registrant Saroj International, Inc.
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